

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

HARRY DANIEL WILLETT,

Plaintiff,

v.

COMMUNITY HEALTH PLAN OF  
WASHINGTON,

Defendant.

No. CV-13-5039-EFS

**ORDER DISMISSING COMPLAINT AND  
CLOSING FILE**

By Order filed May 24, 2013, the Court advised Plaintiff Harry Daniel Willett of deficiencies in his Complaint and granted him leave to amend. ECF No. 5. He is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

In his Complaint, Plaintiff alleges that Defendant Community Health Plan of Washington, a health care organization, intentionally inflicted cruel and unusual punishment in violation of the Eighth Amendment and 42 U.S.C. § 1983. In screening the Complaint pursuant to 28 U.S.C. § 1915(e), the Court advised Plaintiff that he could not seek damages against private entities for constitutional violations. *See Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 66 (2001). Because the Complaint did not indicate that Defendant was a government entity or officer acting under color of federal law, the Court found that Plaintiff had failed to state a claim upon which relief could be granted.

1 Although the Court provided Plaintiff with sixty (60) days to  
2 amend his Complaint, Plaintiff failed to amend or timely seek an  
3 extension of the deadline. Therefore, for the reasons set forth in  
4 the Court's May 24, 2013 Order, ECF No. 5, the Court now dismisses  
5 this action and directs the Clerk's Office to close this file.

6 Accordingly, **IT IS HEREBY ORDERED:**

- 7 1. The Complaint, **ECF No. 4**, is **DISMISSED WITH PREJUDICE**.
- 8 2. The Clerk's Office is directed to **ENTER JUDGMENT** in favor  
9 of all Defendants.
- 10 3. All pending hearings, deadlines, and motions are **STRICKEN**.
- 11 4. The Clerk's Office is directed to **CLOSE** this file.
- 12 5. The Court **CERTIFIES** that any appeal of this dismissal would  
13 not be taken in good faith.

14 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this  
15 Order and forward a copy to Plaintiff at his last-known address.

16 **DATED** this 24th day of July 2013.

17  
18 s/Edward F. Shea  
EDWARD F. SHEA  
19 Senior United States District Judge  
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